



Senate

General Assembly

File No. 33

January Session, 2005

Senate Bill No. 1122

Senate, March 16, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING THE ELIGIBILITY FOR ACCELERATED
REHABILITATION OF A PERSON CHARGED WITH A VIOLATION OF
SECTION 53A-56(A)(2).**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 54-56e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) This section shall not be applicable: (1) To any person charged
5 with a class A felony, a class B felony, except a violation of section 53a-
6 122 that does not involve the use, attempted use or threatened use of
7 physical force against another person, or a violation of section 14-227a,
8 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-
9 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-
10 196e or 53a-196f, (2) to any person charged with a crime or motor
11 vehicle violation, except a violation of subdivision (2) of subsection (a)
12 of section 53a-56 committed on or after June 1, 2004, who, as a result of

13 the commission of such crime or motor vehicle violation, causes the
14 death of another person, (3) to any person accused of a family violence
15 crime as defined in section 46b-38a who (A) is eligible for the pretrial
16 family violence education program established under section 46b-38c,
17 or (B) has previously had the pretrial family violence education
18 program invoked in such person's behalf, (4) to any person charged
19 with a violation of section 21a-267 or 21a-279 who (A) is eligible for the
20 pretrial drug education program established under section 54-56i, or
21 (B) has previously had the pretrial drug education program invoked in
22 such person's behalf, or (5) unless good cause is shown, to any person
23 charged with a class C felony.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	54-56e(c)
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Revenue Gain	Less than 1,000	Less than 1,000
Correction, Dept.	GF - Savings	Potential	Potential
Judicial Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the court to grant individuals who are accused of causing or aiding another person to commit suicide on or after June 1, 2004, to apply for the pretrial accelerated rehabilitation (AR) program. It is anticipated that few offenders would apply and be permitted to participate in AR as a result of the bill and, consequently, any resulting fiscal impact would be negligible. A minimal revenue gain to the state would occur from the \$100 fee that participants in the AR program must pay.

On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

OLR Bill Analysis

SB 1122

AN ACT CONCERNING THE ELIGIBILITY FOR ACCELERATED REHABILITATION OF A PERSON CHARGED WITH A VIOLATION OF SECTION 53A-56(A)(2)**SUMMARY:**

This bill makes eligible for accelerated rehabilitation (AR) a person accused of the 2nd degree manslaughter crime of intentionally causing or aiding a person to commit suicide, other than by force, duress, or deception. It applies to crimes committed on or after June 1, 2004.

The person must meet the other AR eligibility requirements in current law. By law, a person is eligible if he (1) was not previously convicted of a crime or certain motor vehicle violations; (2) has not used the program before; (3) has not been adjudged a youthful offender during the past five years; or (4) is not accused of certain other crimes. Because 2nd degree manslaughter is a class C felony, the law also requires a showing of good cause for participation in AR.

By law, the court has discretion whether to allow a defendant to use AR and the court must believe that the defendant will probably not offend in the future.

EFFECTIVE DATE: Upon passage

BACKGROUND**AR**

AR participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. The court places them under the supervision of the Court Support Services Division for up to two years under whatever conditions it orders. If the defendant successfully completes the program, the court dismisses the charges against him and his records are erased. If he violates a condition of the program, he is brought to trial on the original charges.

Crimes Ineligible for AR

A person is ineligible for AR under current law if he is charged with committing one of the following crimes:

1. a class A felony;
2. a class B felony other than 1st degree larceny when the crime did not involve the use or threatened use of physical force against a person;
3. a class C felony unless good cause is shown;
4. a crime or motor vehicle violation that caused someone's death;
5. operating under the influence of alcohol or drugs;
6. risk of injury to a minor involving sex;
7. 2nd degree assault with a motor vehicle;
8. 2nd degree manslaughter with a motor vehicle;
9. 1st, 2nd, or 3rd degree sexual assault;
10. 1st degree aggravated sexual assault;
11. sexual assault in a spousal or cohabiting relationship;
12. 3rd degree sexual assault with a firearm;
13. enticing a minor;
14. 2nd or 3rd degree possession of child pornography;
15. a family violence crime when he is eligible for the pretrial family violence education program or has had that program invoked on his behalf before; and
16. drug paraphernalia or possession crimes if he is eligible for

the pretrial drug education program or has had that program invoked on his behalf before.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 25 Nay 12